

## **State Contracting Documents**

There are a number of documents required by our Contracting Office, which must be completed and returned to our office, before we are able to release funding bundles or the associated funding. The following documents are required to be completed and returned to our office before any funding documents are released to you.

- Public Assistance Grant Agreement (2 copies)
- Designation of Applicant Agent Resolution (certified) or Letter
- Signature Authorization Form
- Disaster Assistance Application
- Debarment, Suspension, Ineligibility or Voluntary Exclusion Certification Form
- IRS Form W-9
- Statewide Vendor Registration and Direct Deposit Authorization

These forms should be **mailed** to:

Gerard Urbas  
Public Assistance Program  
Washington Military Department  
Building 20-B, MS: TA-20  
Camp Murray, Washington 98430-5122

None of these documents should be turned over to a federal representative (FEMA PAC, Project Specialist). All of these documents should be returned to our offices within 2 months of the disaster declaration date.

### **Public Assistance Grant Agreement**

Two copies of the state agreement between you, as the applicant, and the State, as the grantee, will be provided. **Both** copies of the agreement must be completed, signed, and returned to us. After the agreements have been executed by us, one original

copy will be returned with the first approved funding bundle.

When completing the state agreement, please complete the following sections:

### **Grant Agreement Face Sheet**

Box 1 – the address for your entity or organization.

Box 4 – The name and phone number of the Applicant Agent.

Box 8 – Data Universal Numbering System (DUNS) No. – The Federal government now requires organizations to provide a DUNS number as part of their grant applications and proposals.

Box 9 – UBI No. – A UBI number is a 9-digit number that registers you with several state agencies and allows you to do business in Washington State. A UBI number is sometimes called a tax registration number, a business registration number, and a business license number. Usually, your Finance Director can provide you with this number for your organization. If you don't have one, then one can be obtained through the Washington Department of Licensing, by completing a Master Business Application. For more information and the application form, see:

<http://www.dol.wa.gov/business/faqlicense.html>.

Box 14 – Tax Identification Number (TIN) – An Employer Identification Number (EIN) is also known as a Federal Tax Identification Number, and is used to identify a business entity. Generally, governments, tribes and private non-profit organizations need an EIN. You may apply for an EIN in various ways, and now you may apply online. This is a free service offered by the Internal Revenue Service. See the following

website, to apply online:

<http://www.irs.gov/businesses/small/article/0,,id=102767,00.html>.

Box 15 – Service Districts – Provide the Legislative District Number and Congressional District number for where your organization is located. If you are unsure of the numbers, they can be found either at the district finder: <http://apps.leg.wa.gov/DistrictFinder/Default.aspx> or by map at: <http://www.sos.wa.gov/elections/redistricting/maps.aspx>. The Legislative and Congressional Districts were revised and adopted in 2012.

Lower Right Corner – The grant agreement must be signed by the individual authorized to do so for your agency. The signature and name must match one of the names and signatures found in Box 1 or 2 of the Signature Authorization Form. The space for legal review is provided, should your organization desire to have your legal representation review the contract before signing. It is not required by the State to have this signature line completed. If you do so, then both copies of the contract must be signed by your legal representative.

### **Special Terms and Conditions**

Page 2, Article I, Section 3. H., must be completed by **state agency applicants**. Please complete this section with your agency number and the accounting fund number. All payments will be transferred to you through interagency reimbursement procedures. State colleges and universities are not required to complete this section. In their case, they must complete the Statewide Vendor Registration and Direct Deposit Form, for electronic transfer of their grant payments.

Page 4, Article VI, must be completed with the name and contact information of your designated Applicant Agent.

**Note: Both copies of the Public Assistance Grant Agreement must be fully completed, signed, and returned to the Public Assistance Program office.**

### **Designation of Applicant Agent**

Each applicant must formally designate an Applicant Agent who will be the primary point of contact for this grant agreement. A jurisdiction may also appoint one or two alternate Applicant Agents. The Applicant Agent has the responsibility of completing and/or signing all required documentation for this grant. This typically includes: contract grant agreement, project worksheets, funding requests (both cover letter and invoice voucher), time extension requests, Alternate Project requests, Improved Project requests, and documents identifying hidden damage or revised methods of project completion.

The designation may be made either by resolution or by letter. However, an Applicant Agent may not appoint them self. The designation must either be disaster specific or for any event(s) which occur within a specific time period. If the designation does not identify a specific event or time period, then it will be considered only applicable to one specific event.

The method of designation may be done either by a resolution passed by your governing body or by a letter signed by the Chairman of the Board or the appointed head of your organization. If the Board has previously given a generic authorization to the appointed head of your organization and the desire is to maintain this responsibility to this individual, then a

specific authorization will be required either by resolution or a letter signed by the Chairman of the Board. A sample resolution and designation letter is found in Appendix A.

If the resolution format is selected, then a copy of the resolution signed by a majority of the Board members should be made with the copy certified by the Secretary of the Board. This certification signature must be original.

If the letter format is selected, then the content of the letter must contain the same required language as the resolution. The letter must clearly state the name and title of the individual appointed as the Applicant Agent as well as the name and title of the alternate(s).

The individuals identified in the letter/resolution as Applicant Agent and alternate(s) must sign the State Disaster Assistance Application.

### **State Disaster Assistance Application**

The State Disaster Assistance Application is the State's application form for the Public Assistance Program. It is broken up into shaded and un-shaded sections. We will complete the shaded sections. Please complete the un-shaded sections for Legal Applicant Recipient, Applicant Agent and Alternate Applicant Agent Contact Information, Type of Applicant and Congressional and State Legislative District Numbers.

The un-shaded box on the Legal Applicant Recipient is the name of the jurisdiction, (e.g. City of Olympia). It is not the Applicant Agent's name or the name of the department the Applicant Agent is located in. The street and mailing address is needed. In this example, even though the

Olympia Public Works Department had all of the claimed damages, the applicant name is the City of Olympia.

The Applicant Agent's name and title must match the names and titles found on the Designation of Applicant Agent letter or resolution. Signatures are needed to be able to verify the correct individuals are signing the various documents. If someone else signs for them, the document will not be accepted.

The Congressional and State Legislative District Numbers can be obtained, if not known, from the sources identified under the Public Assistance Grant Agreement.

After the form is returned, it will be checked for completeness. If it is ready then the State number and FEMA's Applicant number will be added, and the Governor's Authorized Representative will sign at the bottom of the form. A copy of the signed application will be sent to you with your first funding documents.

A copy of the State Disaster Assistance Application is found in Appendix A.

### **Signature Authorization Form**

The Washington State Military Department's Contracting Office requires the completion of a Signature Authorization form. The form is divided into three sections. The first section requires the name of your organization, the date you are submitting the form, the addition of the disaster number, and the completion of the contract number. The contract number is located in the upper right corner of your grant agreement or you may leave this block empty to be filled in by PA staff.

The next block identified as "1. Authorizing Authority" needs to be signed by the Board

Chairman, Mayor, or the appointed head of your organization. As the authorizing authority, this individual has the authority to sign contracts, contract amendments, and any other documents required for the Public Assistance Program.

Block 2 for contracts and amendments identifies other individuals authorized to sign contracts and contract amendments. Many times, the authority to sign contracts and contract amendments for an organization is limited to one or two individuals, besides the authorizing authority. Those individuals with this authority should sign in this block. If the Applicant Agent is given this authority by the designation letter or resolution, then they should also sign in this block.

All Public Assistance grant agreements and amendments must be signed by one of the individuals identified in Blocks 1 and 2.

If the Authorizing Authority or individuals authorized to sign contracts/contract amendments for your agency changes, then we will need an amended Signature Authorization Form with the individual's signature on it.

A copy of the Signature Authorization Form is located in Appendix A.

### **Debarred/Suspended Contractor Certification**

As a sub-grantee seeking federal financial assistance through the State of Washington, federal regulations require your jurisdiction to sign a "Debarment, Suspension, Ineligibility or Voluntary Exclusion Certification Form" also referred to as Debarred/Suspended Contractor Certification.

### **All applicants or subgrantees are required to sign and return this Certification Form to our office.**

If any work funded under this grant is completed by a contractor or subcontractor, they also must sign a copy of this Certification Form. Our office only requires a copy of the form signed by either the Authorizing Authority or Applicant Agent, be provided to our office. The forms signed by contractors and subcontractors should be retained in your documentation file for those specific projects.

The form has two sections that need to be completed. The first is at the top of the page with your organization's legal name, address, UBI No., you tax identification number (TIN or EIN) and the name your organization goes by, if it is different than your legal name. As an example, The Smith County Hospital District No. 1 does business as Good Health Medical Center. This applicant's name of Smith County Hospital District No. 1 should be filled in under "Name". Good Health Medical Center would be filled in the box titled "Doing business as". The second section is at the bottom of the form, requiring the appropriate signature as identified above.

A copy of the Debarment Certification Form is found in Appendix A.

### **IRS Form W-9**

A completed W-9 Form, Request for Taxpayer Identification Number and Certification must be completed and submitted to us.

After completing the form, it also needs to be returned to the PA Offices with your other State Grant Documents. A copy of the latest W-9 form with instructions can be found in Appendix A.

### **Statewide Vendor Registration and Direct Deposit Authorization Form**

The Public Assistance Program makes all payments electronically. State agencies do not complete this form, but complete Article 1, Section 3.H. for electronic fund transfers. All other applicants are required to complete this form and submit it. Detailed instructions are found on page 2 of the form.

In many cases, you will find your organization has already set up a direct deposit authorization with the State of Washington. In this instance, fill out the vendor name, the SWV number at the bottom right corner, and check the box at the top of the page in the upper right corner. If your organization changes account numbers for these deposits and/or changes financial institutions, a new Statewide Vendor Registration and Direct Deposit Authorization form will need to be completed.

A copy of the Direct Deposit Authorization Form is found in Appendix A.

### **Funding**

#### **Federal Funding**

FEMA typically provides 75 percent funding of the approved eligible costs for each Applicant. In addition, funding of the indirect administrative allowance is provided by FEMA, based upon a formula established by Congress.

#### **State Funding**

State funding is determined by the Governor and State Legislature following a disaster.

### **Agreement**

EMD prepares an agreement for each Applicant. After two copies of the agreement have been executed by both the Applicant and the Emergency Management Division Director, one original is returned to the Applicant.

### **Required Documentation**

Applicants are required to retain documentation which adequately identifies the source and application of Public Assistance funds. All of the documentation for costs claimed is required to be maintained by each Applicant. For all projects, documentation includes adequate accounting of actual costs and recoveries incurred.

### **Indirect Administrative Allowance**

Applicants will receive administrative costs under the Public Assistance Program. The funding for the indirect administrative allowance is provided by the state and is determined by the terms of the Public Assistance Grant Agreement. The indirect administrative allowance covers the necessary costs incurred in preliminary phases of the grant.

The payment occurs when the Applicant's disaster assistance grant is closed.

Examples of the activities that this allowance is intended to cover are:

- Identifying damage;
- completion of forms and participation in preliminary damage assessment process;
- attending the Applicant's Briefing;
- attendance at the Kick-Off Meeting;
- establishing files, copies and documentation;

This allowance is not intended to cover the direct costs associated with managing individual project worksheets.

The Applicant **MUST** retain documentation that will verify at least \$250 in expenditures covered under the indirect administrative allowance. This documentation would include timesheets, showing the employee, project and how much time was actually spent in administering the project.

Separate charge codes should be established to be able to track these expenditures. At the end of the grant, the Applicant Agent must certify the amount of indirect administrative costs expended.

#### **Recovery of Overpayments from Applicant**

Every effort is made to avoid instances where Applicants receive more funds than can be supported by documentation. In the cases where an overpayment of funds is determined, EMD sends a letter requesting the Applicant to repay. If the overpayment is determined prior to final payment of the project, EMD may withhold the overpayment from the final payment.

An Applicant is required to return overpayments to the state within 30 days of request. The warrant should be made payable to the Washington Military Department, Emergency Management Division.

#### **State and Federal Laws to be Observed**

The Applicant must comply with all state and federal laws in performing all tasks undertaken with respect to the Public Assistance Program. The following sections are included for informational purposes and are not professed to include

all relevant laws. It is the Applicant's responsibility to comply with all federal, state and local laws.

#### **PUBLIC LAW 88-352, TITLE VI OF THE CIVIL RIGHTS ACT OF 1964 (42 USC 2000d et seq.)**

The Applicant must comply with the provisions of "Public Law 88-352", which refers to Title VI of the Civil Rights Act of 1964 (42 U.S.C. 2000d et seq.). The law provides that no person in the United States shall, on the grounds of race, color or national origin, be denied the benefits of, be excluded from participation in, or be subjected to discrimination under any program or activity receiving federal financial assistance.

#### **SECTION 504 THE REHABILITATION ACT, 1973, AS AMENDED (29 USC §794).**

The Applicant must comply with Section 504 of the Rehabilitation Act of 1973, as amended, which provides that no otherwise qualified individual shall, solely by reason of his or her disability, be excluded from participation (including employment), denied program benefits or be subjected to discrimination under any program or activity receiving federal assistance funds.

#### **AMERICANS WITH DISABILITIES ACT (42 USC §12101, et seq.)**

The Applicant shall comply with the provisions of the Americans with Disabilities Act, 42 U.S.C. 12101, et. seq. That Act provides a comprehensive national mandate to eliminate discrimination against individuals with disabilities. The Act may impose requirements on the Applicant four principal ways: 1) with respect to employment; 2) with respect to the provision of public services; 3) with respect to transportation; and 4) with respect to existing facilities and new construction .

COPELAND ACT (Anti-Kickback Act) (40 USC § and 18 USC §874)

The Applicant shall comply with the Copeland Act, which makes it a criminal offense for any person to induce, by any manner whatsoever, any other person employed on the construction, prosecution, completion, or repair of any public building, or work financed in whole or in part by liens or grants from the United States, to give up any part or the compensation which he or she is entitled under his or her contract of employment. Compensation shall consist of wages and approved fringe benefits.

CONTRACT WORK HOURS AND SAFETY STANDARDS ACT (40 USC §§327 et seq.).

The Applicant shall comply with the provisions of the Contract Work Hours and Safety Standards Act. According to this Act, no contract work may involve or require laborers or mechanics to work in excess of 40 hours in a work week, unless compensation of not less than one and one-half times the basic rate is paid for the overtime hours. If the Act is violated, the Applicant or subcontractor is liable to any affected employee for unpaid damages as well as to the United States for liquidated damages. These requirements apply to rehabilitation of residential property only if such property is designed for residential use for eight or more families.

THE CLEAN AIR ACT, AS AMENDED (42 USC §7401 et seq.).

The Applicant shall comply with the Clean Air Act, which prohibits (1) engaging in, (2) supporting in any way or providing financial assistance for, (3) licensing or permitting, or (4) approving any activity which does not conform to the state implementation plan for natural primary and secondary ambient air quality standards. The Applicant shall ensure that the facilities under its

ownership, lease or supervision which shall be utilized in the accomplishment of the program are not listed on the U.S. Environmental Protection Agency's (EPA) list of Violating Facilities and that it will notify the Department of the receipt of any communication from the Director of the EPA Office of Federal Activities indicating that the facility to be used in the project is under consideration for listing by EPA.

EXECUTIVE ORDER 11990, MAY 24, 1977: PROTECTION OF WETLANDS (42 FR 26961 et seq.).

The Applicant shall comply with Executive Order 11990. The intent of this Executive Order is (1) to avoid, to the extent possible, adverse impacts associated with the destruction or modification of wetland, and (2) to avoid direct or indirect support of new construction in wetlands wherever there is a practical alternative.

The Applicant, to the extent permitted by law, must avoid undertaking or providing assistance for new construction located in wetlands unless (1) there is no practical alternative to such construction, and (2) the proposed action includes all practical measures to minimize harm to wetlands which may result from such use. In making this determination, the Applicant may take into account economic, environmental and other pertinent factors.

EXECUTIVE ORDER 11988, MAY 24, 1977: FLOODPLAIN MANAGEMENT (42 FR 26951 et seq.).

The Applicant shall comply with the provisions of Executive Order 11988. The intent of this Executive Order is to (1) avoid, to the extent possible, adverse impacts associated with the occupancy and modification of floodplains, and (2) avoid direct or indirect support of floodplain development wherever there is a practical

alternative. If the Applicant proposes to conduct, support or allow an action to be located in a floodplain, the Applicant must consider alternatives to avoid adverse effects and incompatible involvement in the floodplain. If sitting in a floodplain is the only practical alternative, the Applicant must, prior to taking any action (1) design or modify its actions in order to minimize any potential harm to the floodplain, and (2) prepare and circulate a notice containing an explanation of why the action is proposed to be located in a floodplain.

*THE WILD AND SCENIC RIVERS ACT OF 1968, AS AMENDED (16 USC §§1271 et seq.).*

The Applicant shall comply with the Wild and Scenic Rivers Act. The purpose of this Act is to preserve selected rivers or sections of rivers in their free-flowing condition, to protect the water quality of such rivers and to fulfill other vital national conservation goals. Federal assistance by loan, grant license, or other mechanism cannot be provided to water resources construction projects that would have a direct and adverse effect on any river included or designated for study or inclusion in the National Wild and Scenic River System.

*COASTAL ZONE MANAGEMENT ACT 1972, AS AMENDED (16 USC §§1451 et sq.).*

The Applicant shall comply with the Coastal Zone Management Act of 1972, as amended. The intent of this Act is to preserve, protect, develop, and where possible, restore or enhance the resources of the nation's coastal zone. Federal agencies cannot approve assistance for proposed projects that are inconsistent with the state's Coastal Zone Management program except upon a finding by the U.S. Secretary of Commerce that such a project

is consistent with the purpose of this chapter or necessary in the interest of national security.

*THE ENDANGERED SPECIES ACT OF 1973, AS AMENDED (16 USC §1531 et seq.).*

The Applicant shall comply with the Endangered Species of 1973, as amended. The intent of this Act is to ensure that all federally assisted projects seek to preserve endangered or threatened species. Federally authorized and funded projects must not jeopardize the continued existence of endangered and threatened species or result in the destruction of or modification of habitat of such species which is determined by the U.S. Department of the Interior, after consultation with the state, to be critical.

*THE RESERVOIR SALVAGE ACT OF 1960, AS AMENDED BY THE ARCHAEOLOGICAL AND HISTORIC PRESERVATION ACT OF 1974 (16 USC §§469 et seq.).*

Under the Reservoir Salvage Act, the Applicant must comply with provisions for the preservation of historical and archaeological data (including relics and specimens) that might otherwise be irreparably lost or destroyed as a result of any alteration of the terrain caused as a result of any federal construction project or federally licensed activity or program. Whenever the Applicant finds, or is notified in writing by an appropriate historical or archaeological authority, that its activities in connection with any federally funded construction project or federally licensed project, activity or program may cause irreparable loss or destruction of significant scientific, prehistoric, historical or archaeological data, the Applicant must notify the U.S. Secretary of Interior in



writing and provide appropriate information concerning the project or program activity.

*THE ARCHAEOLOGICAL AND HISTORICAL DATA PRESERVATION ACT OF 1974 (16 USC §469 a-1 et seq.).*

The Applicant shall comply with the Archaeological and Historical Data Preservation Act, which provides for the preservation of historic and archaeological information that would be lost due to development and construction activities as a result of federally funded activities.

*THE SAFE DRINKING WATER ACT OF 1974, AS AMENDED (42 USC Section 201, 300(f) et seq., and USC Section 349)*

The Applicant must comply with the Safe Drinking Water Act, as amended, which is intended to protect underground sources of water. No commitment for federal financial assistance, according to this Act, shall be entered into for any project which the U.S. Environmental Protection Agency determines may contaminate an aquifer which is the sole or principal drinking water source for an area.

*THE FEDERAL WATER POLLUTION CONTROL ACT OF 1972, AS AMENDED, INCLUDING THE CLEAR WATER ACT OF 1977, PUBLIC LAW 92-212 (33 USC Section 1251 et seq.).*

The Applicant must assure compliance with the Water Pollution Control Act, as amended, which provides for the restoration of chemical, physical and biological integrity of the nation's water.

*THE SOLID WASTE DISPOSAL ACT, AS AMENDED BY THE RESOURCE CONSERVATION AND RECOVERY ACT OF 1976 (42 U.S.C. Section 6901 et seq.).*

The Applicant must assure compliance with the Solid Waste Disposal Act, as amended. The purpose of this Act is to promote the

protection of health and the environment and to conserve valuable material and energy resources.

*THE FISH AND WILDLIFE COORDINATION ACT OF 1958, AS AMENDED (16 USC Section 661 et seq.).*

The Applicant must assure compliance with the Fish and Wildlife Coordination Act, as amended. The Act assures that wildlife conservation receives equal consideration and is coordinated with other features or water resources development programs.

*PREVAILING WAGES ON PUBLIC WORKS, CHAPTER 39.12 RCW*

The Applicant shall comply with the provisions of Chapter 39.12 RCW, Prevailing Wages on Public Works. This statute mandates that the prevailing rate of wage, as determined by the state Department of Labor and Industries, be paid to workers performing under public works contracts.

*RELOCATION ASSISTANCE AND REAL PROPERTY ACQUISITION POLICY CHAPTER 8.26 RCW*

The Applicant shall comply with the provisions of Chapter 8.26 RCW and Chapter 365-24 WAC when its activities involve any acquisition of real property assisted under the Public Assistance Program or the displacement of any family, individual, business, non-profit organization or farm that results from such acquisition.

*STATE ENVIRONMENTAL POLICY ACT (SEPA), CHAPTER 43.21C RCW*

The Applicant shall comply with the provisions of Chapter 43.21(C) RCW and Chapter 197-11 WAC, the guidelines by which local agencies will (1) require an environmental checklist from private and public entities considering an action potentially subject to the Environmental

Impact Statement (EIS) requirement of SEPA, (2) make “threshold determinations” that such an action will not have a significant environmental impact, (3) provide for the preparation of a draft and final EIS if the action has significant impact, and (4) circulate the EIS to other agencies and interested parties.

*NOISE CONTROL, CHAPTER 70.107 RCW*

The Applicant shall assure compliance with the state Noise Control Act. Objectives of the Act are to assist local governments in implementing local noise ordinances and to control and reduce excessive noise in Washington.

*SHORELINE MANAGEMENT ACT OF 1971, CHAPTER 90.58 RCW*

The Applicant shall comply with the provisions of Chapter 90.58 RCW. This Act defines a planning program and a permit system which are initiated at the local government level under state guidance. Its purpose is to protect and enhance the state’s shoreline and it includes a comprehensive shoreline inventory process and a master program for regulation of shoreline uses. A permit application at the local level must be in compliance with those plans and consistent with the state Coastal Zone Management program if substantial developments and shoreline modifications occur, and a record of the application and decision must be submitted to the state.

*STATE BUILDING CODE, CHAPTER 19.27 RCW; ENERGY RELATED BUILDING STANDARDS, CHAPTER 19.27 RCW; AND PROVISIONS IN BUILDING FOR AGED AND HANDICAPPED PERSONS, CHAPTER 70.92 RCW*

The Applicant shall comply with the provisions of Chapter 19.27 RCW, Chapter 70.92 RCW and regulations for barrier free

facilities adopted by the Washington State Building Code Council pursuant to these statutes.

The State Building Code Act provides for a uniform state building code and mandates counties, cities and towns to administer and enforce its provisions. Local governments are authorized to modify the state building code to fit local conditions as long as such modifications do not result in a code that is less than the minimum performance standards and objectives contained in the state code.

*OPEN PUBLIC MEETING ACT, CHAPTER 42.30 RCW*

The Applicant shall comply with provisions of Chapter 42.30 RCW which require that all meetings of the governing body which pertain to the implementation of the Public Assistance Program shall be open to the public except those where specific provision is made for executive sessions pursuant to RCW 42.30.110.

*LAW AGAINST DISCRIMINATION, CHAPTER 49.60 RCW*

The Applicant shall comply with the provisions of Chapter 49.60 RCW in all activities relating to the implementation of this program.

*GOVERNOR’S EXECUTIVE ORDER 89-10, DECEMBER 11, 1989: PROTECTION OF WETLANDS, AND GOVERNOR’S EXECUTIVE ORDER 90-04, APRIL 21, 1990: PROTECTION OF WETLANDS*

The Applicant shall ensure that it avoids any activities that would adversely affect wetlands and adequately mitigates unavoidable impacts. For the purposes of this requirement, except where a contrary definition is provided by statute, mitigation means: (1) avoiding the impact altogether by not taking certain action or part of an

action; (2) minimizing impacts by limiting the degree or magnitude of the action and its implementation, by using appropriate technology, or by taking affirmative steps to avoid or reduce impacts; (3) rectifying the impact by repairing, rehabilitating, or restoring the affected environment; (4) reducing or eliminating the impact over time by preservation and maintenance operations during the life of the action; (5) compensating for the impact by replacing, enhancing, or providing substitute resources or environments; and (6) monitoring the impact and taking appropriate corrective measures.

Mitigation for individual actions may include a combination of the above measures. Mitigation may not include any of the above measures to the extent that they may be contrary to statute as applied under the particular circumstances. Emergency work that is essential to save lives and protect property and public health is exempt from these provisions